

REMARKS

Claims 37-72 were previously pending. Applicants have herein cancelled claims 40 and 55-72 without prejudice; amended claim 37 to incorporate the limitations of previous claim 40; and amended claims 41-43 and 47 to correct claim dependencies. No new matter has been added. Accordingly, after entry of the amendments herein, claims 37-39, and 41-54 will be pending.

Applicants thank the Examiner and Supervisor for the courtesy of a telephonic interview on August 31, 2009. Applicants agree with the substance of the Interview Summary mailed September 8, 2009, in which the Examiner indicated that the proposed amendments to overcome the outstanding rejections were viewed favorably, including the use of closed language, although no specific agreement was reached.

Applicants respectfully request entry of the amendments, and reconsideration and allowance of the pending claims.

Rejections under 35 U.S.C. §§ 101 and 112 (first and second paragraphs)

The Examiner rejected claims 55-72 as directed to non-statutory subject matter, as containing new matter, and as indefinite. Applicants respectfully disagree for the reasons of record. In order to expedite prosecution, however, and without prejudice to further prosecution of the subject matter of claims 55-72 in one or more continuing applications, Applicants have herein cancelled claims 55-72. Withdrawal of the rejections is therefore requested.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 37-41, 44-47, 52-59, 62-65, and 68-72 as being unpatentable over Clemmer *et al.* (Nature, 372:248-250 (1994)) ("Clemmer") as evidenced by "Niobium element facts" (obtained online 1 May 2009) ("Niobium") as evidenced by Schlatholter *et al.* (J. Phys. B.: At. Mol. Opt. Phys., 31:1321-1331 (1998)) ("Schlatholter") in view of Stote (previously of record). In particular, the Examiner stated that Clemmer disclosed carbon fullerene cages wherein the carbons are covalently bound to a niobium metal atom that is

part of the cage, and asserted that the niobium atom would be the recited monoatomic metal ion, which along with the fullerene cage would be interpreted to be the recited metal molecule.

Applicants respectfully disagree, particularly with respect to the claims as amended. As presently claimed, claim 37 recites that the metal molecule consists of a plurality of metal atoms comprising a center atom and one or more dummy atoms. Clemmer does not teach or suggest such a metal molecule, as Clemmer's molecule includes non-metallic atoms (carbons). None of the references that the Examiner has combined with Clemmer teaches or suggests such a metal molecule consisting of a plurality of metal atoms, and none would prompt a person having ordinary skill in the art to modify Clemmer's fullerene cage to consist of metal atoms, particularly to result in a computer running a computer program executing instructions for performing the method as presently claimed. Accordingly, Applicants respectfully assert that the claims are not obvious in light of the cited references, and request withdrawal of the rejections.

CONCLUSION

Applicants respectfully assert that the pending claims are in condition for allowance, which action is hereby requested. The Examiner is invited to telephone the undersigned attorney if such would expedite prosecution.

No fee is believed due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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/Teresa A. Lavoie/

Teresa A. Lavoie, Ph.D.

Reg. No. 42,782

Fish & Richardson P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, Minnesota 55402
Telephone: (612) 335-5070
Facsimile: (877) 769-7945